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### IN VACATION.

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The oddities of legislation are almost innumerable, but that any Legislative body of ordinary dignity should have passed, and any Governor with a proper sense of his position should have signed, a bill with the following as a part of it, seems almost incredible. Nevertheless the following is Section 1 of Ch. 67, p. 113, Kansas Laws of 1903: relating to automobiles.

"Nothing in this section shall be construed as in any way preventing, obstructing, impeding, embarrassing, or in any other manner or form infringing upon the prerogative of any political chauffeur to run an automobilious band-wagon at any rate he sees fit, compatible with the safety of the occupants thereof; provided, however, that not less than ten nor more than twenty ropes be allowed at all times to trail behind this vehicle when in motion, in order to permit those who have been so fortunate as to escape with their political lives, an opportunity to be dragged to death; and provided further, that whenever a mangled and bleeding political corpse implores for mercy, the driver of the vehicle shall, in accordance with the provisions of this bill, 'throw out the life line.'"

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The Fall term will doubtless introduce quite a number of the newly licensed lawyers to their first cases. In connection with a young lawyer's first case one always recalls Charles Lamb's speech to a young barrister, who informed him that he had just obtained his first brief. "Ah!" stuttered the kindly wit, "You now appreciate Milton's lines, 'Thou first great cause, least understood.'"

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### A Perplexing Situation.

By J. F. Bouchelle.

In one of the remote counties of West Virginia there lives a Justice of the Peace, before whom there was recently brought a case most unusual in its nature and extremely complicated in the facts that constituted the cause of action. A farmer by the name of Wade lives on Elk River, and raises quite a number of cattle and sheep for the market. He had a large field divided off for a pasture, which was enclosed on one side by the river, the other three sides being fenced with wire. He placed a number of cattle in this field, and in the herd was a lively young bull about four years old. This bull had, all his life, caused the farmer untold trouble and aggravation by reason of his mischievous and provoking traits. As the time drew near for his departure to the butcher his owner began to feel much relief; but the valiant animal forestalled all plans made for his future, and rendered fruitless the expectancy of revenue from his sale by bringing himself to a most strange and untimely end.

The river had risen considerably, at the time in question, and many lumbermen took advantage of the high water to raft logs down from the timber fields near its source. It was the custom along the river

to "tie up" at any place on the bank when overtaken by night, and start downward early the next morning. One Alf Hopkins was rafting timber at this time, and found himself almost opposite the pasture above mentioned when it began to grow too dark for safe navigation. He saw a comfortable cove-like place in the bank and steered into it, determined to spend the night in that neighborhood. The only line with which he had to secure his raft was a large grass rope, made of the tough, green grass found along the river. This would answer every purpose for the short while it was to be used, for it was as strong as the best hemp and invincible against the constant tugging of the swift current. The lumberman made the raft fast to the root of a beech tree, and went in search of accommodation for the night. Shortly after he left, the cattle pastured in the field, came down, according to habit, to get their evening drink of water. The young bull led the herd and unconsciously sought a place near where the raft was tied. The object immediately attracted his attention. It was a new thing to him, something with which he was entirely unacquainted, and which seemed to cause him much uneasiness and anxiety. He mastered the feeling of fear that possessed him at first sight of the logs, and cautiously, sniffingly, inquisitively approached it. His examination was extremely scrutinous and conducted with a great degree of deliberation until he caught a whiff of fresh grass. He soon found the rope which held the raft, sampled its edible qualities and finding it an exceedingly delicious morsel, began to devour large bits with an appetite truly marvelous, while the rest of the herd gazed on in large-eyed wonder. He ate all of the rope within reach from the bank, and seeing no way to get at the remainder he sprang upon the raft. The force of the jump caused it to start from the shore, and having no fastening now whatever, (the rope having been eaten completely through by the ravenous animal), it continued out into the stream, where it was caught by the current and borne down. While nonchalantly eating his stolen fruit, the bull unconsciously whisked a farewell with his wagging tail to his companions on shore. The end soon came, for the raft had gone only a mile or so when it struck a rock and parted into as many pieces as there were logs which composed it. The unfortunate bull met a watery grave, being unable to stem the rapid tide, and, of course, not agile enough to cling to the wreck of his kidnapped boat.

The owner of the raft is plaintiff in the suit brought against the farmer for the tort of his animal, whereby his damage was great, setting up that there was an immemorable custom established in the community, granting lumbermen the privilege of tying up anywhere along the river. The farmer promptly defended the suit, alleging that the custom was broken on the part of the lumberman, when he used a grass rope to fasten his raft, this method not having been adopted universally. He also filed a claim for set-off against the plaintiff for the value of the bull, craving judgment of the court

whether or not it was due to the negligence of the plaintiff that the premature demise of his bull occurred.

The question in controversy is still *pendente lite*, both parties alternately getting a continuance and neither being willing to come to a direct issue at trial. When court convenes all other business is postponed to hearing motions in the "bull case," and the Justice uses, none too delicate language when lecturing the parties for not having prepared for trial. It is said the last named official has vowed to resign from his office as soon as the case can be brought to a final hearing, declaring that he had no idea the law was such a mixture in accidental causes, and so extraordinarily indulgent to frivolous litigation.

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**On His Voir Dire.**—A few years ago, when Chief Justice Doe was conducting a murder trial in Nashua, N. H., the work of impanelling the jury was going on. A juror from Wilton was called and asked by Judge Doe if he believed in capital punishment. The juror said he didn't think he did.

"Well," said the judge, "suppose a man was going to kill your wife, but by your killing the man you could save your wife's life, would you do it?"

The juror answered that he thought he would.

"Well," said the judge, "suppose it was your wife's mother who was going to be killed, and you could save her by killing the man, would you kill him?"

The juror answered that he guessed he "would let the old lady go."—Boston Herald.

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**Serious Tangle.**—"How about that Boxley divorce suit?"

"That's what I was going to tell you. He sued for divorce on the ground of desertion, and she filed a cross bill, alleging cruelty. Now they want to call off both suits and make up, and their lawyers won't let 'em."—Chicago Tribune.

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## BOOK REVIEWS.

**Cyclopedia of Law and Procedure.** William Mack, Editor in-Chief. Volume XXI. The American Law Book Company, New York. 1906.

The writer has often had occasion to regret that "Cyc" is not nearer its completion. The advantage of having matters of substantive law and pleading and practice together in one volume is so manifest that the practitioner is quite prone to consult "Cyc" before any other authorities, but he is often disappointed in finding that the subject under investigation has not yet been treated. It is true that all things that are worth doing take time, but the bar would be better satisfied if the volumes of this valuable series appeared more rapidly. Volume 21 devotes 276 pages to "Guardian and Ward" by